

Lexington-Fayette Urban County Planning Commission  
200 East Main Street  
Lexington, Kentucky 40507

RE: Zone Change Application from A-U to R-3  
96 Codell Drive and 601 Old Todds Road  
AND  
Setback Variance for 100 Codell Drive

Dear Chairman,

**Proposed Request**

AU Associates, Inc. is proposing an 84-unit deed restricted, affordable multi-family complex on the 3.471 acres at the following contiguous addresses:

- 96 Codell Drive (0.34 acres currently zoned A-U)
- 100 Codell Drive (2.811 acres and currently zoned R-3)
- 601 Old Todds Road (0.32 acres and currently zoned A-U)

The 0.66 parcels at 96 Codell Drive and 601 Old Todds Road were created out of the realignment of the intersection of Codell Drive and Todds Road and were zoned A-U. The existing zoning classification given to these two properties is currently inappropriate, and we are requesting to combine these three parcels and consolidate them under the more appropriate R-3 zoning district that represents a majority, 81%, of the total acreage submitted as a part of this preliminary development plan.

We are also requesting a setback variance on the R-3 zoned, 100 Codell Drive site to reduce the side yard setback from 20' to 10' along 447.89' of the 618.31' eastern boundary as noted on the preliminary development plan.

**Justification for Zone Change:**

The current AU zoning classification on the two parcels, totaling 0.66 acres, is inappropriate because A-U zoning has been described as a “placeholder” zone for properties within the urban service area which are not ready for development until proper public facilities and services are adequate and available. This 0.66-acre site inside the urban service area is already adequately serviced by City services but cannot be developed without a zone change. Furthermore, it is difficult to apply Placebuilder for the following reasons.

1. Site size: Neighboring uses suggest a residential use, but the size of the site at 0.66 acres is insufficient to develop with any density unless it is combined with the neighboring R-3 parcel, which are all owned under common ownership and are being sold together.
2. Site geometrics: The 0.66 acres is a triangle shape which effectively eliminates a sizable portion of the developable area once the setbacks are taken into consideration.
3. Right-of-Way: 96 Codell Drive (0.34 acres) is significantly impinged by the right of way that is used to access the landlocked, but larger, 100 Codell Drive parcel that is zoned R-3. It effectively cuts the developable portion of this lot in half.

4. Site Topography: 601 Old Todds Road (0.32 acres) has a significant rise in topography from the sidewalk along Old Todds up to the buildable area of the site. The front third of the site is not easily developable without roughly moving the topography in an expensive and unnecessary way especially when it could be easily combined with the neighboring R-3 in a more cohesive development plan.

While it is difficult to apply Placebuilder in any meaningful way on such a small parcel, the re-zoning of these small parcels agrees with the goals and objectives of the comprehensive plan and the submitted preliminary development plan. Under Imagine Lexington, the 2018 Comprehensive Plan, this area most closely resembles the “Enhanced Neighborhood” and would provide affordable, multifamily housing in an already established mixed-use area on an infill parcel. As a majority of the site is already zoned R-3, the addition of these two parcels would complement the Medium Density Residential development type and conforms with the recommended zoning for an “Enhanced Neighborhood”.

Additionally, the incorporation of these two smaller parcels into the R-3 zone and the subsequent development of affordable, multifamily housing would primarily address the following themes, goals, and objectives of the Comprehensive Plan.

- Theme A: Growing Successful Neighborhoods
  - Goal 1: Expand Housing Choices.
    - Objective b: Accommodate the demand for housing in Lexington responsibly, prioritizing higher-density and mixture of housing types.
      - The re-zoning of this site provides a 3.471-acre tract with public access that, zoned R-3, can provide moderately dense apartment units that blend with the neighboring residential and commercial uses.
    - Objective d: Create and implement housing incentives that strengthen the opportunities for higher-density and housing affordability.
      - The re-zoning of this project will create 84 deed-restricted units dedicated to affordable housing for families in Lexington.
  - Goal 2: Support Infill and Redevelopment.
    - Objective a: Identify areas of opportunity for *infill*, redevelopment, adaptive reuse, and mixed-use development.
      - The re-zoning of the smaller parcels to incorporate the neighboring R-3 land allows the infill of this property for productive use on existing public utilities.

### **Justification for Variance**

We are also requesting a variance on the R-3 zoned, 100 Codell Drive site to reduce the side yard setback from 20’ to 10’ along 447.89’ of the 618.31’ eastern of the eastern boundary as noted on the preliminary development plan.

1. The request arises from the unique shape of the R-3 parcel. At only 24.2 units/acre, the medium density preliminary development plan is not an overly-taxing use of the R-3 parcel. The shape of the parcel, and primarily its narrowness, prevents parking adjacent to the northern building. This does allow the property to maintain a 20’ setback near the primarily single-family

residences on the northeastern portion of the site; however, in order to park the density of R-3, we need to have a double loaded parking corridor adjacent to the other two 24-unit buildings in the center of the site AND keep parking out of the expansive front yard that has frontage on both Codell and Old Todds Road. There is not a way to both provide the density and required parking while also maintaining a 20' setback on the full length of the eastern part of the parcel. The variance request has been tailored to minimally impact the rear setbacks of the adjacent single-family homes and mostly impact the more intensive use of the larger parcel at the corner of Old Todds Road and Catera Trace. This variance would not generally apply to other R-3 land.

2. The variance will not adversely affect the public health, safety and welfare and will not alter the essential character of the general vicinity nor would cause a nuisance. Moreover, a strict application of the zoning ordinance would deprive the applicant of the reasonable use of the spirit and density of R-3 zoned land inside the urban service area and would run contrary to the spirit of Theme A, Goal 1 of the Comprehensive Plan which encourages infill housing and prioritizes higher density and affordability.

### **Conclusion**

Given the reasons stated above, 96 Codell Drive and 601 Old Todds Road should be rezoned from Agricultural Urban (A-U) zone to Planned Neighborhood Residential (R-3) zone and the variance on the 100 Codell Drive property should be granted. This proposal adheres to many of the applicable goals and objectives of the Comprehensive Plan and R-3 is an appropriate use given the current inappropriate use of the A-U zoned land. The new zoning small setback variance will allow for safe, thoughtful, dense, and affordable and infill development to occur that will address the affordable housing needs of the Lexington-Fayette community.

Sincerely,

Johan Graham  
President  
AU Associates, Inc.